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In re Application of :
THOMAS, Jochen, et. al. :
Application No.: 10/519,444 : DECISION
PCT No.: PCT/DE03/02162 :
Int. Filing Date: 30 June 2003 :
Priority Date: 01 July 2002 :
Attorney's Docket No.: I431.123.101/FIN 393 PCT/US :
For: ELECTRONIC COMPONENT COMPRISING A :
MULTILAYER WIRING FRAME AND :
METHOD FOR PRODUCING SAME :
:

This decision is in response to applicants' "Request For Corrected Filing Receipt" filed 26 October 2005 (and resubmitted via facsimile on 22 December 2005) seeking correction of the name of one of the applicants and the title of the application.

BACKGROUND

On 30 June 2003, applicants filed international application PCT/DE03/02162 which claimed a priority date of 01 July 2002 and which designated the United States. On 08 January 2004, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months after the priority date, i.e. 01 January 2005.

On 29 December 2004, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 28 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 26 August 2005, applicants filed a response to the Notification Of Missing Requirements, including an executed declaration and the surcharge payment.

On 06 October 2005, the DO/EO/US mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied as of 26 August 2005.

Also on 06 October 2005, the USPTO issued a filing receipt. The filing receipt identified the first applicant as Thomas Jochen, and listed the title of the application as “Electronic Component Comprising A Multilayer Rewiring Wiring Frame And Method For Producing Same.” This is the English translation of the title set forth on the published international application (with the exception that the word “rewiring” has been added in an apparent data entry error).

On 26 October 2005, applicants filed the request for corrected filing receipt considered herein. The submission asks that the name of the first inventor be corrected to Jochen THOMAS, as listed on the published international application and in the declaration. Applicants’ also ask that the title be corrected to “Electronic Component With Multilayered Rewiring Plate And Method For Producing The Same.” This is the title set forth on the transmittal letter and specification filed by applicants on 29 December 2004, and on the declaration filed 26 August 2005.

DISCUSSION

With respect to the name of the first inventor, applicants’ request that this name be corrected to match the inventor’s name as set forth on the published international application and in the executed declaration is appropriately granted.

As for the title, section 1893.03(e)(1) of the Manual Of Patent Examining Procedure (MPEP) states the following regarding the title that the USPTO will use in national stage applications:

[T]he Office will normally use the title of the invention indicated on the cover page of the publication as the title of the national stage application that will appear on the filing receipt. The cover page will include an English translation of the title if the international application was published in a foreign language. See PCT Rule 48.3 (c). Applicants desiring to have the filing receipt reflect a title that is different than the English language title appearing on the cover page must submit either a preliminary amendment amending the title or an application data sheet (37 CFR 1.76) with the desired title.

Here, pursuant to the policy set forth in the MPEP, the USPTO has assigned the national stage application the “title of the invention indicated on the cover page of the publication.” Applicants have not filed either a preliminary amendment or an application data sheet (ADS) to

change the title. Accordingly, applicants' present request to modify the title of the present application cannot be granted on the present record.¹

CONCLUSION

Applicants' request for a corrected filing receipt is **GRANTED** with respect to the request to correct the first inventor's name to Jochen THOMAS.

Applicant's request for a corrected filing receipt is **DISMISSED** without prejudice with respect to the request to correct the title of the application.

The title of record herein is "Electronic Component Comprising A Multilayer Wiring Frame And Method For Producing Same," the title of the invention indicated on the cover of the international publication.

A corrected filing receipt is issued herewith containing the correction in the first inventor's name and the removal of the typographical error contained in the title.



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¹ The typographical error contained in the title listed on the filing receipt (as noted above) has been corrected.